

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

As representative of

THE COMMONWEALTH OF PUERTO
RICO, *et al.*,

Debtors¹

PROMESA
Title III

No. 17 BK 3283-LTS

Re: ECF No. 23427

***FRESENIUS MEDICAL CARE'S UNOPPOSED URGENT MOTION TO EXTEND
DEADLINE TO FILE A RESPONSE TO THE FIVE HUNDRED SIXTY-FIRST
OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE COMMONWEALTH OF
PUERTO RICO, PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY,
AND PUERTO RICO PUBLIC BUILDINGS AUTHORITY TO DEFICIENT CLAIMS***

COMES NOW, Fresenius Medical Care (“Fresenius”), a creditor, by and through the undersigned legal counsel, and respectfully submits this motion to continue the deadline for it to file a response to the *Five Hundred Sixty-First Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Puerto Rico Public Buildings Authority to Deficient Claims* filed on January 27, 2023 after meeting and conferring with Debtors’ counsel.

¹ The Debtors in these Title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566(LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801).

BACKGROUND

1. Fresenius filed its Proof of Claim asserting a claim amount of \$128,854.38 on May 30, 2018. *See* Claim Number 30574.

2. On January 27, 2023, Debtors filed the *Five Hundred Sixty-First Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Puerto Rico Public Buildings Authority to Deficient Claims* (“*Five Hundred Sixty-First Omnibus Objection*”). *See* Dkt. No. 23427.

3. Fresenius was given until today to respond to the *Five Hundred Sixty-first Omnibus Objection*. *See Id.* at 1.

RELIEF REQUESTED

1. Fresenius received a clarification to the objection to its Proof of Claim on Thursday, February 24, 2023. Upon receipt of this clarification, Fresenius met and conferred with counsel for the Debtors on the date of this motion and the latter had no objection to a 30-day extension to file a response to the *Five Hundred Sixty-First Omnibus Objection*.

2. Fresenius therefore submits this motion to request an extension of the Response Deadline to permit Fresenius to file an adequate response. Fresenius respectfully requests, on an urgent basis, that the Court grant it a 30-day extension to file its response, which extension shall commence from the deadline of February 27, 2023, to file a response to the *Five Hundred Sixty-First Omnibus Objection*. *See* Dkt. No. 23427. As a result, Fresenius’ response would be due on March 27, 2023.

3. Moreover, Fresenius reserves the right to request an additional extension in the event that it needs additional time to meet the Debtors’ objection related to the Proof of Claim.

COMPLIANCE WITH CASE MANAGEMENT PROCEDURES

4. Pursuant to Paragraph I.H of the *Sixteenth Amended Notice, Case Management*

and Administrative Procedures Order (Docket No. 20190-1 of Case No. 17-03283 (LTS)), Fresenius hereby certifies that it has (a) carefully examined the matter and concluded that there is a true need for an urgent decision; (b) not created the urgency through any lack of due diligence; and (c) reasonable, good-faith communications took place with the parties to this adversary proceeding to resolve or narrow the issues before the Court. Specifically, counsel for Fresenius reached out to counsel for Debtors who did not object to Fresenius' request to extend the response deadline to March 27, 2023.

5. In addition, Fresenius certifies that no prior request for the relief sought herein has been made.

WHEREFORE, Fresenius hereby requests, on an urgent basis, that the Court (i) enter an order substantially in the form attached hereto as **Exhibit A** granting it a 30-day extension, until March 27, 2023, to file its response to *Five Hundred Sixty-first Omnibus Objection*; and (ii) enter any other relief that is just or appropriate given the circumstances.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 27th day of February 2023.

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